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Compilation on South Africa

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of the information contained in the reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1][2]

2. The United Nations country team noted the ratification by South Africa of the International Covenant on Economic, Social and Cultural Rights in 2015 and of the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189),[3] in 2013. Noting that the right to education would appear not to be subject to progressive realization, it encouraged South Africa to withdraw its declaration to the Covenant stating that it would give progressive effect to the right to education within the framework of its national education policy and available resources.[4]

3. South Africa had been encouraged to become a party to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[5] the Optional Protocol to the Convention on the Rights of the Child on a communications procedure,[6] the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,[7] the International Convention for the Protection of All Persons from Enforced Disappearance,[8] the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169),[9] the Convention relating to the

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Status of Stateless Persons of 1954 and the Convention on the Reduction of Statelessness of 1961.[10]

4. In 2016, the Secretary-General regretted the decision of the Government to withdraw from the Rome Statute of the International Criminal Court and expressed the hope that the country would reconsider its decision.[11]

5. The Committee on the Elimination of Racial Discrimination encouraged South Africa to facilitate a visit by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.[12]

6. The country team reported that since the previous cycle of the universal periodic review South Africa had submitted four reports to treaty bodies and had been visited by the Special Rapporteur on violence against women, its causes and consequences.[13]

7. South Africa contributed financially to the Office of the United Nations High Commissioner for Human Rights (OHCHR) in 2012, 2013 (including to the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery) and 2015 (including to the United Nations Voluntary Fund for Victims of Torture).[14]

III. National human rights framework[15]

8. The Committee on the Elimination of Racial Discrimination welcomed the enactment of the South African Human Rights Commission Act 40 of 2013[16] and recommended that South Africa implement the recommendations of that institution and that it provide it with adequate financial resources.[17] The Committee on the Rights of the Child recommended that South Africa legally mandate the Commission to appoint a commissioner exclusively dedicated to the rights of the child.[18]

9. The Special Rapporteur on violence against women recommended that South Africa strengthen and ensure adequate resources for State institutions to carry out their mandates with respect to gender equality and violence against women, in particular the Department of Women and the Department of Social Development, and clarify roles and responsibilities.[19]

10. The Committee on the Elimination of Racial Discrimination noted with concern that the classifications used to gather statistical data were from the former apartheid era.[20]

11. The country team reported that South Africa had recognized the need to establish a standing interministerial committee to improve coordination in relation to human rights reporting and follow-up on recommendations.[21]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[22]

12. Regarding the implementation of the recommendation that South Africa speed up the process to develop its national action plan against racism, racial discrimination, xenophobia and related intolerance,[23] the Office of the United Nations High Commissioner for Refugees (UNHCR) commended the Government for having prepared a draft plan and noted that it had been widely circulated for consultation.[24] Noting that the plan focused

mainly on racism, UNHCR recommended that South Africa expand that focus to include xenophobia.[25]

13. The Committee on the Elimination of Racial Discrimination welcomed the Prevention and Combating of Hate Crimes and Hate Speech Bill. It encouraged South Africa to ensure that the bill was in accordance with the International Convention on the Elimination of All Forms of Racial Discrimination and recommended that South Africa expedite its enactment.[26] UNHCR and the country team recommended ensuring that the draft bill was the subject of broad consultations, contemplated the development of guidelines for investigators, prosecutors and judges and included restitution.[27] The Special Rapporteur on violence against women and the country team recommended that South Africa consider enacting hate crime legislation that addressed both the hate dimension of crimes and the sexual orientation of lesbian, gay, bisexual, transgender and intersex victims of gender-based violence.[28]

14. The Committee on the Elimination of Racial Discrimination was concerned about discrimination, xenophobia and racism against non-citizens, including refugees, asylum seekers and migrants, which had resulted in numerous violent attacks leading to deaths and injuries. Violent attacks, notably in 2008 and 2015, had also led to the large-scale displacement of non-citizens and property damage.[29] The Human Rights Committee recommended that South Africa redouble its efforts to prevent and eradicate all manifestations of racism and xenophobia and that it improve policing responses to violence against non-nationals.[30] The Committee on the Elimination of Racial Discrimination recommended taking action to prosecute perpetrators of crimes motivated by racial discrimination and xenophobia[31] and encouraging dialogue within communities in conflict to address the root causes of discrimination and violence.[32]

15. The same Committee was concerned at the rise in hate crimes and hate speech targeting certain ethnic groups and non-citizens, discriminatory statements by State officials and politicians and the increase in the use of social media and the Internet to propagate racist hate speech.[33] It recommended ensuring that all incidents of hate crime and hate speech were investigated and that all alleged perpetrators were prosecuted[34] and conducting educational campaigns to promote tolerance and respect for diversity, with a focus on the roles and responsibilities of journalists and public officials in that regard.[35]

16. The Human Rights Committee expressed concern about the persistence of stigma against persons based on their real or perceived sexual or gender orientation, gender identity or physical diversity and about the fact that such persons were subject to harassment, acts of discrimination, and sexual and physical violence. It recommended that South Africa eradicate such discrimination and violence.[36] The country team recommended that South Africa promote nationwide school policies and guidelines that explicitly promoted sexual diversity and tolerance for different gender identities.[37]

17. The Committee on the Rights of the Child was concerned that the existence of administrative and practical obstacles to obtaining birth registration, including punitive measures for late registration under the Births and Deaths Registration Act, might have negative and discriminatory impacts. It was also concerned that the South African Citizenship Act set disproportionately strict conditions for granting nationality to certain groups of children and that there were reportedly many children who had either migrated to or had been born in South Africa who were undocumented and/or whose births had not been registered.[38] Noting target 16.9 of the Sustainable Development Goals, the Committee recommended that South Africa review and amend all legislation and regulations relevant to birth registration and nationality to ensure their full conformity with the Convention on the Rights of the Child.[39]

2. Development, the environment, and business and human rights[40]

18. The Committee on the Rights of the Child was concerned that activities of business enterprises, in particular those of the extractive industries, had a negative impact on the enjoyment of the rights of the child, including through environmental pollution and the exploitation of child labour.[41] It recommended that South Africa establish and implement regulations to ensure that the business sector complied with international and national human rights, labour, environmental and other standards.[42]

B. Civil and political rights

1. Right to life, liberty and security of person[43]

19. The Committee on the Elimination of Racial Discrimination was alarmed by reports of cases of abductions, killings and dismemberments of persons with albinism, as their body parts were allegedly used for witchcraft purposes. It recommended that South Africa protect persons with albinism from violence, abductions, discrimination and stigmatization, including through action plans.[44]

20. The Human Rights Committee was concerned about reports of excessive and disproportionate use of force by law enforcement officials in the context of public protests that had resulted in the loss of lives.[45] It was also concerned about the slow pace of the investigation into the Marikana incident.[46] It recommended that South Africa revise laws and policies regarding public order policing and the use of force, including lethal force by law enforcement officials, to ensure they were consistent with the International Covenant on Civil and Political Rights, and that it expedite the work of the bodies established by the Ministry of Police to implement the recommendations of the Marikana Commission of Inquiry;[47] ensure that effective investigations were launched into all incidents involving the use of firearms, into all allegations of excessive use of force by law enforcement officers and into the potential liability of the mining company for the Marikana incident;[48] and review the compliance of companies with their responsibilities under all relevant legal standards for operations in the mining sector.[49]

21. The Human Rights Committee was concerned about the number of reported cases of sexual violence, excessive use of force, torture and other forms of ill-treatment against detainees, as well as of deaths resulting from actions of the police and prison officials. It recommended that South Africa ensure that all deaths occurring in detention and all cases of violence committed in State or contract-managed prisons were investigated properly by an independent mechanism.[50]

22. The same Committee welcomed the enactment in 2013 of the Prevention and Combating of Torture of Persons Act, which criminalized torture.[51] The Committee was concerned that the Act did not itself provide for civil claims for redress of torture and recommended that South Africa consider amending the Act with a view to including specific provisions relating to the right to civil redress and remedy for victims.[52]

23. The same Committee was concerned about the poor conditions of detention in some prisons, particularly with respect to overcrowding, among other things.[53] The country team reported that detention centres were 32 per cent over capacity and that overcrowding made prisons dangerous, as it created an environment conducive to the spread of tuberculosis.[54]

24. The Human Rights Committee was also concerned about reports of cases of undocumented migrants detained in police stations and prison facilities, individuals detained at Lindela Repatriation Centre for lengthy periods of time without a warrant and the poor detention conditions at that Centre.[55] It recommended that South Africa ensure that detention pending deportation was applied as a last resort only.[56] The Committee on the

Elimination of Racial Discrimination recommended ending the unlawful detention of asylum seekers and refugees.[57]

25. The Human Rights Committee recommended that South Africa establish a system for the regular and independent monitoring of all places of detention, as well as a confidential mechanism for receiving and processing complaints lodged by persons deprived of their liberty.[58] It also recommended that it reduce overcrowding, particularly by promoting alternatives to detention and by ensuring that persons on remand were not kept in custody for an unreasonable period of time.[59] The country team recommended that South Africa make efforts to ensure that overcrowding in prisons did not have a negative effect on the rights of persons in detention to gain access to adequate health care.[60]

2. Administration of justice, including impunity, and the rule of law[61]

26. The Committee on the Elimination of Racial Discrimination welcomed the information indicating that "equality courts" had been established to end racial discrimination. It was concerned, however, that those courts were being underutilized owing to a lack of public awareness and recommended that South Africa conduct educational campaigns on access to judicial remedies for racial discrimination.[62]

27. The Human Rights Committee was concerned that the recommendations of the Truth and Reconciliation Commission had not been fully implemented, in particular those on the prosecution of perpetrators, the investigation of cases of disappearance and the provision of adequate reparation to all victims, and recommended that South Africa increase its efforts to implement the recommendations of the Commission.[63]

28. The same Committee noted the ruling of the North Gauteng High Court finding the authorities' failure to detain the President of a third country, in June 2015, pursuant to an International Criminal Court arrest warrant, to be inconsistent with the Constitution. The Committee recommended that South Africa ensure compliance with the rulings of domestic courts, including in cases relating to its international treaty obligations.[64]

29. The country team reported that South Africa had been developing a national anti-corruption strategy through a series of consultative workshops.[65]

3. Fundamental freedoms and the right to participate in public and political life[66]

30. The United Nations Educational, Scientific and Cultural Organization (UNESCO) noted that the Protection of State Information Bill had been passed by both chambers of Parliament but had been sent back for reconsideration by the President.[67] Noting that the bill had been the focus of a number of recommendations[68] during the second cycle of the universal periodic review in 2012, the country team recommended that South Africa continue amending and improving the bill, as the text, in its current form, could undermine the right to access to information and freedom of expression.[69]

31. The Human Rights Committee was concerned about reports of threats, intimidation, harassment, excessive use of force and physical attacks by private individuals and police forces against human rights defenders, in particular those working on corporate accountability, land rights and transparency issues, against lesbian, gay, bisexual, transgender and intersex persons and against HIV activists.[70] It also noted with concern reports that law enforcement officers were not demonstrating due diligence in their efforts to ensure accountability for such violations and recommended that South Africa take all measures necessary to protect the rights of human rights defenders and ensure that police officials received adequate training to protect such defenders.[71]

4. Prohibition of all forms of slavery[72]

32. UNHCR welcomed the enactment in 2013 of the Prevention and Combating of Trafficking in Persons Act.[73] The Human Rights Committee recommended that South Africa establish a nationwide identification and referral system for victims.[74] The country team observed that estimating the numbers of child victims of trafficking had proved to be very difficult[75] and recommended following up on the enactment of the Act by formulating a broad and comprehensive national policy framework and plan of action on trafficking, with a particular focus on data on trafficking in children.[76]

33. The Committee on the Rights of the Child expressed concern that criminal law did not address all acts and activities relating to the sale of children as defined in the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, such as engaging a child in forced labour, and recommended that South Africa ensure that all acts and activities referred to in the Optional Protocol were covered in its criminal law.[77]

5. Right to privacy

34. The Human Rights Committee was concerned about the relatively low threshold for conducting surveillance and the relatively weak safeguards against unlawful interference in the right to privacy contained in the Regulation of Interception of Communications and Provision of Communication-related Information Act.[78] The Committee was also concerned about reports of unlawful surveillance practices, including mass interception of communications carried out by the National Communications Centre.[79] It recommended that South Africa refrain from engaging in the mass surveillance of private communications without prior judicial authorization, increase the transparency of its surveillance policy and speedily establish independent oversight mechanisms.[80]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work[81]

35. The Human Rights Committee welcomed the adoption of the Labour Relations Amendment Act of 2014, which provided greater protection for workers placed in temporary employment, but remained concerned at reports that migrant workers employed through labour brokers' services in the mining industry were victims of exploitative labour conditions. It recommended that South Africa outlaw and hold responsible labour brokers involved in the exploitation of workers.[82]

2. Right to social security[83]

36. The country team observed that the policy of South Africa to reduce poverty through the provision of a "social wage package" was intended to reduce the cost of living of the poor. In that regard, it also observed that the social protection system provided a number of grants to South African citizens.[84] Noting that the Government was preparing policy reform proposals for a comprehensive social security system,[85] the country team recommended that it continue to assess the social protection system to identify vulnerable groups that were not gaining access to those programmes and that it ensure effective access to social protection for children in remote and rural areas.[86]

37. The Committee on the Rights of the Child was concerned that access to social security benefits for children had been hampered by administrative barriers[87] and that the amount provided by the Child Support Grant did not meet the needs of a child living in poverty.[88] It recommended that South Africa remove barriers to accessing social security benefits[89] and that it review the amount provided by the Child Support Grant.[90]

3. Right to an adequate standard of living[91]

38. The Committee on the Elimination of Racial Discrimination was concerned about the multiple forms of discrimination faced by black and marginalized ethnic women and girls, who were strongly affected by poverty and lack of access to basic services, in particular housing, education, health care and equal employment opportunities.[92]

39. The country team reported that children were disproportionately affected by poverty: 4 out of 10 children were trapped in chronic poverty.[93] The Committee on the Rights of the Child was concerned about children experiencing food insecurity caused by poverty, food price increases, demographic changes and climate change.[94] It recommended the development and implementation of a framework law on the right to food, as envisaged in the National Policy on Food and Nutrition Security.[95] The country team reported that stunting was worse among the younger age groups[96] and recommended that the Government tackle stunting through targeted programmes that ensured that marginalized children had access to the nutrition they required for healthy growth.[97]

40. The Committee on the Rights of the Child was concerned that many children still did not have access to water and sanitation and were therefore exposed to a heightened risk of ill-health and sexual violence.[98] It recommended that South Africa continue its efforts to ensure access to safe water and sanitation for all households, schools and health facilities.[99]

4. Right to health[100]

41. The Committee on the Rights of the Child was concerned about the disparity in health-care provision between rural and urban areas[101] and about the low quality of the health-care service.[102] It recommended that South Africa strengthen its efforts to reduce disparities in health-care service provision across the country,[103] that it develop a comprehensive and multisectoral policy and a service delivery package on child health[104] and that it improve the quality of health-care services.[105]

42. The country team reported that South Africa had the largest HIV epidemic in the world and took note of efforts made.[106] Although the estimated number of people dying from HIV-related causes each year had decreased, the rate of deaths caused by tuberculosis among persons living with HIV remained high.[107] Gender inequalities were among the structural drivers of the HIV epidemic and increased the vulnerability of girls and women to both HIV and violence.[108] Noting the progress made, the country team referred to reports that stigma affected approximately one third of all people living with HIV.[109]

43. The Human Rights Committee recommended the adoption of a national policy on HIV, sexually transmitted infections and tuberculosis and the implementation of a sexual and reproductive health policy, especially concerning adolescents.[110] The country team recommended reviewing national instruments and oversight bodies to tackle the stigmatization of those infected with HIV.[111] The Committee on the Rights of the Child recommended that South Africa develop policies aimed at addressing the multiple discrimination and violence faced by girls, based on the intersection between violence and HIV/AIDS.[112]

44. The country team reported that despite some progress in the reduction of maternal deaths, South Africa had not met its Millennium Development Goal target and maternal mortality was still relatively high (154 women per 100,000 live births in 2011-2013).[113] In that regard, it noted that young girls and women had been disproportionally affected by HIV. The high number of teenage pregnancies was also a concern, as pregnant adolescents were at a higher risk of maternal death.[114] The Committee on the Rights of the Child recommended that South Africa improve data collection on maternal deaths, including those occurring outside of health facilities,[115] and that it obtain technical guidance from

OHCHR on the application of a human rights-based approach to the implementation of policies and programmes to reduce preventable maternal morbidity and mortality.[116]

45. The Committee on the Rights of the Child was concerned at the heightened health risks to which adolescents were exposed to, including the disproportionately high rates of HIV infection due to a lack of access to adolescent-friendly services.[117] It recommended that South Africa enhance the effective implementation of sexual and reproductive health policies and programmes for adolescents.[118]

46. The same Committee noted that infant and child mortality rates had remained high[119] and recommended that South Africa address the poverty and structural inequalities underlying the high rate of child mortality,[120] as well as the high levels of violence, child malnutrition, the prevention and treatment of HIV/AIDS and the promotion of children's and mothers' health, taking note of target 3.2 of the Sustainable Development Goals.[121] The country team recommended that South Africa reinforce efforts to reduce the effects of the three leading causes of neonatal and perinatal deaths: asphyxia, prematurity and neonatal sepsis.[122]

5. Right to education[123]

47. While noting that South Africa had reported that 20 per cent of its budget had been allocated to education, the Committee on the Elimination of Racial Discrimination expressed concern that disparities remained in equal access to quality education and educational resources by all ethnic groups and that educational programmes had not assisted in eliminating racial and xenophobic tensions and barriers.[124] UNESCO made similar observations.[125]

48. The Committee on the Rights of the Child recommended that South Africa improve the transparency, efficiency and accountability of the management of the budget for education,[126] that it improve the quality of education, including the quality and availability of school facilities, educational materials, teaching staff and curricula, prioritizing the most disadvantaged schools,[127] and that it take effective measures to prevent and eliminate school violence committed by both students and educators.[128]

49. The country team reported that there had been a significant decline in attendance rates at the secondary school level[129] and that the effects on girls of teenage pregnancy represented a major challenge.[130] It recommended that South Africa undertake national programmes to retain students in secondary school, especially those in the older age groups, and that it hold broad consultations in the development of a national policy on teenage pregnancy.[131]

50. The Special Rapporteur on violence against women noted the high level of sexual violence against girls in schools perpetrated by both teachers and classmates[132] and recommended that the Department of Basic Education and the South African Council for Educators act jointly in disciplining educators who had committed such acts and impose disciplinary sanctions against teachers or principals who failed to report cases.[133]

D. Rights of specific persons or groups

1. Women[134]

51. The country team reported that the Women's Empowerment and Gender Equality Bill had not been enacted following a decision by Government to review the implementation of existing legislation.[135] In addition, the restructuring of government departments in 2014 had resulted in the suspension of the National Council against Gender-based Violence and in a halt to the development of a multisectoral national strategic plan.[136]

The country team recommended that South Africa revive efforts to develop a comprehensive, multisectoral national strategic plan on gender-based violence and that it assess, debate and promulgate the Women's Empowerment and Gender Equality Bill.[137]

52. The Special Rapporteur on violence against women recommended repealing any remaining legal instruments that discriminated against women in matters relating to marriage and family relations, including the practice of polygamy.[138] The Committee on the Elimination of Racial Discrimination recommended that South Africa take particular note of the multiple forms of discrimination against black and marginalized ethnic women and girls and that it take the measures necessary to prevent such discrimination and increase equal access by such women and girls to services.[139]

53. The Human Rights Committee was concerned that gender-based and domestic violence remained a serious problem and that the conviction rate for such acts was low.[140] The Committee on the Rights of the Child was seriously concerned at the high prevalence of gender-based and sexual violence against children[141] and the low age of the victims.[142] The Special Rapporteur on violence against women noted that the Domestic Violence Act had broadened the definition of domestic violence and provided for victims and others to request protection orders. However, it did not typify domestic violence as a criminal offence.[143] The country team noted that there were no centralized statistics at the national level on the number of incidents of gender-based violence, just the data on sexual offences released by the police annually.[144]

54. The Human Rights Committee recommended ensuring that all such crimes were promptly and thoroughly investigated, that perpetrators were brought to justice and that victims had access to full reparation and means of protection.[145] The Special Rapporteur on violence against women recommended that South Africa urgently provide an adequate budget for the implementation of key measures of the Domestic Violence Act,[146] that it improve the training given to the police on the response to, management of and investigation of domestic violence and sexual offences,[147] that it provide mandatory training to members of the judiciary,[148] that it establish more shelters, in particular in rural areas and informal settlements,[149] and that it expand the collection of data to include all forms of violence against women, including femicides, domestic violence and all types of sexual offences.[150]

55. In the light of the extreme levels of violence committed against women in informal settlements, the Special Rapporteur on violence against women recommended that South Africa consider establishing national inquiries into such violence and the general situation of women and girls in such settlements.[151]

56. The Special Rapporteur noted that the criminalization of prostitution had driven women in prostitution underground, created obstacles to access to services and made them very vulnerable to violence, human rights violations and corruption.[152] The Special Rapporteur recommended that South Africa review relevant legislation and regulations to decriminalize women in prostitution and take a comprehensive approach to addressing the issue.[153]

2. Children[154]

57. The Committee on the Elimination of Racial Discrimination was concerned at the persistence of harmful cultural or traditional practices against women and girls, such as *ukuthwala*, which could be tantamount to forced child marriage.[155] The Committee recommended that South Africa conduct educational campaigns in order to end that practice and encourage the reporting of cases.[156] The Special Rapporteur on violence against women recommended that the Government consider adopting a new consolidated criminal offence to criminalize *ukuthwala*.[157]

58. The Committee on the Rights of the Child was concerned at the high prevalence of harmful practices, including virginity testing, witchcraft, female genital mutilation, violent or harmful initiation rites and intersex genital mutilation.[158] It urged South Africa to ensure that its legislation prohibited all forms of harmful practices carried out on children, including by regulating initiation schools,[159] and to develop and adopt an effective national action plan to eliminate such practices.[160] The Human Rights Committee recommended that South Africa amend the Children's Act with the aim of prohibiting virginity tests on children, irrespective of their age.[161]

59. The Committee on the Rights of the Child was deeply concerned that the Children's Act set the minimum age for marriage at 12 years for girls and 14 years for boys and that the Marriage Act and the Recognition of Customary Marriages Act set different conditions for marriages for girls and boys under 18 years of age.[162] It urged South Africa to harmonize its legislation to ensure that the minimum age for marriage was established at 18 years for both girls and boys.[163]

60. The Human Rights Committee was concerned that corporal punishment in the home was not prohibited, traditionally accepted and widely practised and that it continued to be used in certain schools despite being legally prohibited.[164] The Committee on the Rights of the Child recommended that South Africa expedite the adoption of legislation to prohibit all forms of corporal punishment in the home, including "reasonable chastisement",[165] and that it develop, adopt and implement a national strategy to prevent and eradicate all forms of corporal punishment.[166]

61. The same Committee was concerned at the large number of children who had been deprived of a family environment, including orphans who had lost their parents to AIDS, children who had been abandoned owing to their HIV/AIDS status and unaccompanied or abandoned migrant children.[167] The Committee was also concerned about the systemic constraints faced by the alternative care system owing to the increase in foster care.[168] It recommended that South Africa expedite actions to resolve systemic challenges in the foster care system and come up with sustainable arrangements for alternative care and for monitoring the arrangements.[169] The country team recommended formulating long-term initiatives and solutions to address the foster care system to ensure that foster care orders did not continue to lapse as they had done in previous years.[170]

62. The Committee was also concerned that South Africa had reportedly become a major hub for child sex tourism in Africa[171] and recommended that the Government take all legislative, administrative, social and other measures necessary to prevent and eliminate child sex tourism.[172]

3. Persons with disabilities[173]

63. The Committee on the Rights of the Child recommended that South Africa strengthen the systematic and comprehensive collection of disaggregated data on children with disabilities and utilize that data to develop policy responses that were more evidence-based,[174] that it set up clear baselines, a clear time frame and indicators for the implementation of laws and policies relevant to children with disabilities[175] and that it allocate sufficient technical, human and financial resources for inclusive education.[176]

64. Following the implementation of a flawed process that had led to the deaths of at least 37 persons with psychosocial and intellectual disabilities, several special procedure mandate holders urged the authorities to establish a clear and sustainable deinstitutionalization policy and plan of action.[177]

4. Indigenous peoples

65. The Committee on the Elimination of Racial Discrimination expressed concern at the situation of indigenous peoples who continued to suffer from extreme poverty and marginalization and who faced discrimination and difficulties in the areas of language, education and land redistribution.[178] The Committee recommended implementing the recommendations made by the national human rights institution following its hearings on the rights of indigenous peoples in 2004 and 2016.[179]

66. The Human Rights Committee recommended that South Africa step up efforts to ensure the processing of land restitution claims and consider legislative measures to adequately address the issue of the dispossession of the lands of indigenous peoples prior to 1913.[180]

5. Migrants, refugees and asylum seekers[181]

67. UNHCR noted that in 2015 the country had hosted 1,217,708 persons of concern, including 1,096,063 asylum seekers and 121,645 refugees.[182] The high numbers of asylum applications and the misuse of the asylum system by individuals seeking better opportunities in South Africa continued to affect the fairness and efficiency of that system.[183]

68. The Committee on the Rights of the Child recommended that South Africa expedite the development of a protocol to streamline the delivery of child-protection services to migrant, asylum-seeking and refugee children.[184]

69. UNHCR noted that new immigration regulations that had come into effect in 2014 had introduced measures that would have a significant impact on access to asylum procedures and could also bar certain individuals from entering based on the "first country of asylum" concept. In addition, an amendment to the Refugees Act would impose restrictions on certain rights for asylum seekers, including the right to work for four months pending adjudication of their claim.[185] UNHCR and the country team recommended that South Africa amend the immigration regulations to exclude the "first country of asylum" concept, as it was inconsistent with international and national refugee law, and that it put into place adequate provisions for social welfare pending the adjudication of an asylum claim.[186] The Committee on the Elimination of Racial Discrimination recommended that South Africa speed up its consideration of cases on determining the status of refugees and asylum seekers.[187]

6. Stateless persons[188]

70. The Committee on the Rights of the Child recommended that South Africa put into place regulations to grant nationality to all children who were stateless or were at risk of becoming stateless.[189] UNHCR recommended that South Africa ensure reliable statistics on stateless persons and that it provide administrative assistance to stateless persons regarding documents and certifications.[190]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for South Africa will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/ZASession27.aspx.
[2] For relevant recommendations, see A/HRC/21/16, paras. 124.1-124.18, 124.54-124.55 and 124.57.
[3] See United Nations country team submission for the universal periodic review of South Africa, paras. 6 and 8.
[4] Ibid., paras. 6 and 11.
[5] See CERD/C/ZAF/CO/4-8, para. 31, and CCPR/C/ZAF/CO/1, para. 11.
[6] See CRC/C/ZAF/CO/2, para. 75, and country team submission, para. 11.
[7] See CERD/C/ZAF/CO/4-8, para. 31, and country team submission, para. 11.
[8] Ibid.
[9] See CERD/C/ZAF/CO/4-8, para. 31, and CRC/C/ZAF/CO/2, para. 66 (e).
[10] See CRC/C/ZAF/CO/2, para. 32 (f), and UNHCR submission for the universal periodic review on South Africa, p. 6.
[11] See www.un.org/sg/en/content/sg/statement/2016-10-24/secretary-general-south-africa%E2%80%99s-withdrawal-international-criminal.
[12] See CERD/C/ZAF/CO/4-8, para. 28.
[13] See country team submission, paras. 7 and 10.
[14] See OHCHR, "Funding", in *OHCHR Report 2012*, p. 117; "Funding", in *OHCHR Report 2013*, p. 131; and "Funding", in *OHCHR Report 2015*, p. 65.
[15] For relevant recommendations, see A/HRC/21/16, paras. 124.26-124.28.
[16] See CERD/C/ZAF/CO/4-8, para. 4 (b).
[17] Ibid., para. 9.
[18] See CRC/C/ZAF/CO/2, para. 16 (a).
[19] See A/HRC/32/42/Add.2, para. 85 (a). See also A/HRC/32/42/Add.5.
[20] See CERD/C/ZAF/CO/4-8, para. 6.
[21] See country team submission, para. 9.
[22] For relevant recommendations, see A/HRC/21/16, paras. 124.22, 124.29-124.46, 124.50-124.51, 124.75-124.87 and 124.150-124.151.
[23] For the relevant recommendation, see A/HRC/21/16, para. 124.37 (Namibia).
[24] UNHCR submission, p. 2. See also country team submission, para. 12, and CERD/C/ZAF/CO/4-8, para. 4 (c).
[25] UNHCR submission, p. 3.
[26] See CERD/C/ZAF/CO/4-8, para. 13. See also CCPR/C/ZAF/CO/1, para. 15.
[27] Country team submission, para. 14. See also UNHCR submission, p. 3.
[28] See A/HRC/32/42/Add.2, para. 83 (c), and country team submission, para. 27. See also A/HRC/32/42/Add.5.
[29] See CERD/C/ZAF/CO/4-8, para. 26 (c).
[30] See CCPR/C/ZAF/CO/1, para. 15.
[31] See CERD/C/ZAF/CO/4-8, para. 28. See also CCPR/C/ZAF/CO/1, para. 15.
[32] See CERD/C/ZAF/CO/4-8, para. 28.
[33] Ibid., para. 12.
[34] Ibid., para. 13.
[35] Ibid. See also para. 28.
[36] See CCPR/C/ZAF/CO/1, paras. 20-21.
[37] See country team submission, para. 27.
[38] See CRC/C/ZAF/CO/2, para. 31 (a)-(c).
[39] Ibid., para. 32 (a).
[40] For relevant recommendations see A/HRC/21/16, paras. 124.111 and 124.119.
[41] See CRC/C/ZAF/CO/2, para. 19.
[42] Ibid., para. 20.
[43] For relevant recommendations, see A/HRC/21/16, paras. 124.20 and 124.52-124.58.
[44] See CERD/C/ZAF/CO/4-8, paras. 20-21. See also A/HRC/31/79, p. 97.
[45] See CCPR/C/ZAF/CO/1, para. 26.

[46] Ibid.
[47] See CCPR/C/ZAF/CO/1, para. 27 (a).
[48] Ibid., para. 27 (c).
[49] Ibid., para. 27 (d).
[50] Ibid., paras. 28-29.
[51] Ibid., para. 3 (a).
[52] Ibid., paras. 22-23.
[53] Ibid., para. 30.
[54] See country team submission, para. 38.
[55] See CCPR/C/ZAF/CO/1, para. 36.
[56] Ibid., para. 37.
[57] See CERD/C/ZAF/CO/4-8, para. 27 (a).
[58] See CCPR/C/ZAF/CO/1, para. 11. See also CERD/C/ZAF/CO/4-8, para. 27 (a).
[59] See CCPR/C/ZAF/CO/1, paras. 30-31 (a).
[60] See country team submission, para. 40.
[61] For relevant recommendations, see A/HRC/21/16, paras. 124.21, 124.23, 124.25 124.93-124.95 and 124.110.
[62] See CERD/C/ZAF/CO/4-8, paras. 29-30.
[63] See CCPR/C/ZAF/CO/1, paras. 12-13. See also CERD/C/ZAF/CO/4-8, paras. 10-11.
[64] See CCPR/C/ZAF/CO/1, paras. 8-9.
[65] See country team submission, para. 36.
[66] For relevant recommendations, see A/HRC/21/16, paras. 124.97-124.107.
[67] UNESCO submission for the universal periodic review of South Africa, para. 77.
[68] For relevant recommendations, see A/HRC/21/16, paras. 124.99-124.107.
[69] See country team submission, paras. 33-34. See also UNESCO submission, para. 90.
[70] See CCPR/C/ZAF/CO/1, para. 40.
[71] Ibid., paras. 40-41.
[72] For relevant recommendations, see A/HRC/21/16, paras. 124.23 and 124.89-124.92.
[73] See UNHCR submission, p. 2. See also CERD/C/ZAF/CO/4-8, para. 4 (a), and CCPR/C/ZAF/CO/1, para. 3 (b). For the relevant recommendation, see A/HRC/21/16, para. 124.89 (Namibia).
[74] See CCPR/C/ZAF/CO/1, para. 33.
[75] See country team submission, para. 42.
[76] Ibid., para. 43.
[77] See CRC/C/OPSC/ZAF/CO/1, paras. 8-9.
[78] See CCPR/C/ZAF/CO/1, para. 42.
[79] Ibid., para. 42.
[80] Ibid., para. 43.
[81] For relevant recommendations, see A/HRC/21/16, paras. 124.21 and 124.108-124.109.
[82] See CCPR/C/ZAF/CO/1, paras. 32-33.
[83] For relevant recommendations, see A/HRC/21/16, paras. 124.109, 124.111 and 124.116-124.117.
[84] See country team submission, para. 44.
[85] Ibid., para. 47.
[86] Ibid., para. 48.
[87] See CRC/C/ZAF/CO/2, para. 55 (b).
[88] Ibid., para. 55 (c).
[89] Ibid., para. 56 (a).
[90] Ibid., para. 56 (c).
[91] For relevant recommendations, see A/HRC/21/16, paras. 124.21, 124.109-124.111, 124.113-124.119 and 124.121.
[92] See CERD/C/ZAF/CO/4-8, para. 22.
[93] See country team submission, para. 46. See also para. 51.
[94] See CRC/C/ZAF/CO/2, para. 53 (b).
[95] Ibid., para. 54 (a).
[96] See country team submission, para. 50.
[97] Ibid., para. 51.
[98] See CRC/C/ZAF/CO/2, para. 57 (a).

[96] Ibid., para. 58 (a).
[97] For relevant recommendations, see A/HRC/21/16, paras. 124.21, 124.109, 124.118, 124.120, 124.122-124.141 and 124.148.
[98] See CRC/C/ZAF/CO/2, para. 47 (a).
[99] Ibid., para. 47 (c).
[100] Ibid., para. 48 (a).
[101] Ibid., para. 48 (b).
[102] Ibid., para. 48 (c).
[103] See country team submission, paras. 54-55.
[104] Ibid., para. 59.
[105] Ibid., para. 58.
[106] Ibid., para. 60. See also CCPR/C/ZAF/CO/1, para. 16.
[107] See CCPR/C/ZAF/CO/1, para. 17 (b).
[108] See country team submission, para. 61.
[109] See CRC/C/ZAF/CO/2, para. 52 (b).
[110] See country team submission, para. 56.
[111] Ibid., para. 57. See also CRC/C/ZAF/CO/2, para. 49 (d).
[112] See CRC/C/ZAF/CO/2, para. 50 (f).
[113] Ibid., para. 50 (g).
[114] Ibid., para. 49 (a).
[115] Ibid., para. 50 (c).
[116] Ibid., para. 27.
[117] Ibid., para. 28 (a).
[118] Ibid., para. 28 (b).
[119] See country team submission, para. 70.
[120] For relevant recommendations, see A/HRC/21/16, paras. 124.21, 124.23, 124.120 and 124.140-124.145.
[121] See CERD/C/ZAF/CO/4-8, para. 18.
[122] See UNESCO submission, para. 86.
[123] See CRC/C/ZAF/CO/2, para. 60 (b).
[124] CRC/C/ZAF/CO/2, para. 60 (c).
[125] CRC/C/ZAF/CO/2, para. 60 (d).
[126] See country team submission, para. 62.
[127] Ibid., para. 63.
[128] Ibid. See also CRC/C/ZAF/CO/2, para. 60 (e).
[129] See A/HRC/32/42/Add.2, para. 19. See also CRC/C/ZAF/CO/2, para. 59 (d).
[130] See A/HRC/32/42/Add.2, para. 84 (b). See also CRC/C/ZAF/CO/2, para. 60 (d).
[131] For relevant recommendations, see A/HRC/21/16, paras.124.20, 124.24, 124.47-124.49, 124.53 and 124.59-124.74.
[132] See country team submission, para. 15.
[133] See country team submission, para. 16. See also A/HRC/32/42/Add.2, para. 83 (a).
[134] See country team submission, para. 20. See also A/HRC/32/42/Add.2, para. 83 (a) and (e).
[135] See A/HRC/32/42/Add.2, para.83 (a). See also A/HRC/32/42/Add.5, CCPR/C/ZAF/CO/1, paras. 18-19, and CRC/C/ZAF/CO/2, para. 39.
[136] See CERD/C/ZAF/CO/4-8, para. 23.
[137] See CCPR/C/ZAF/CO/1, para. 20. See also CRC/C/ZAF/CO/2, para. 37 (c).
[138] See CRC/C/ZAF/CO/2, para. 37 (a).
[139] Ibid., para. 37 (b).
[140] See A/HRC/32/42/Add.2, para. 43. See also A/HRC/32/42/Add.5.
[141] See country team submission, para. 17.
[142] See CCPR/C/ZAF/CO/1, para. 21.
[143] See A/HRC/32/42/Add.2, para. 83 (f). See also A/HRC/32/42/Add.5.
[144] See A/HRC/32/42/Add.2, para. 84 (c). See also A/HRC/32/42/Add.5 and country team submission, para. 37.
[145] See A/HRC/32/42/Add.2, para. 84 (g) (i). See also A/HRC/32/42/Add.5.
[146] See A/HRC/32/42/Add.2, para. 84 (f) (i). See also A/HRC/32/42/Add.5.

[49] See A/HRC/32/42/Add.2, para. 86 (a). See also A/HRC/32/42/Add.5 and country team submission, para. 26.
[50] See A/HRC/32/42/Add.2, para. 83 (b). See also A/HRC/32/42/Add.5 and CRC/C/ZAF/CO/2, para. 38 (b).
[51] See A/HRC/32/42/Add.2, para. 35. See also A/HRC/32/42/Add.5.
[52] See A/HRC/32/42/Add.2, para. 83 (d). See also A/HRC/32/42/Add.5.
[53] For relevant recommendations, see A/HRC/21/16, paras. 124.20, 124.24, 124.53, 124.61, 124.88, 124.111 and 124.126.
[54] See CERD/C/ZAF/CO/4-8, para. 16.
[55] Ibid., para. 17. See also CRC/C/ZAF/CO/2, para. 39.
[56] A/HRC/32/42/Add.2, para. 83 (b). See also A/HRC/32/42/Add.5 and CRC/C/ZAF/CO/2, para. 40 (f).
[57] See CRC/C/ZAF/CO/2, para. 39.
[58] Ibid., para. 40 (a).
[59] Ibid., para. 40 (b) and (d).
[60] See CCPR/C/ZAF/CO/1, paras. 18-19.
[61] See CRC/C/ZAF/CO/2, para. 21.
[62] Ibid., para. 22.
[63] See CCPR/C/ZAF/CO/1, paras. 4-25.
[64] See CRC/C/ZAF/CO/2, para. 36 (a).
[65] Ibid., para. 36 (b).
[66] Ibid., para. 41 (a).
[67] Ibid., para. 41 (b).
[68] Ibid., para. 42 (a).
[69] See country team submission, para. 50.
[70] See CRC/C/OPSC/ZAF/CO/1, para. 24.
[71] Ibid., para. 25 (a).
[72] For relevant recommendations, see A/HRC/21/16, paras. 124.111-124.112.
[73] See CRC/C/ZAF/CO/2, para. 44 (a).
[74] Ibid., para. 44 (c).
[75] Ibid., para. 46 (b).
[76] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20981&LangID=E.
[77] See CERD/C/ZAF/CO/4-8, para. 24.
[78] Ibid., para. 25.
[79] See CCPR/C/ZAF/CO/1, paras. 66-67.
[80] For relevant recommendations, see A/HRC/21/16, paras. 124.38-124.46, 124.58 and 124.146-124.151.
[81] See UNHCR submission, p. 1. See also country team submission, para. 28.
[82] See UNHCR submission, p. 5. See also country team submission, para. 28.
[83] See CRC/C/ZAF/CO/2, para. 62 (b).
[84] See UNHCR submission, p. 5, and country team submission, para. 29.
[85] See UNHCR submission, p. 5, and country team submission, para. 32.
[86] See CERD/C/ZAF/CO/4-8, para. 27 (a).
[87] For relevant recommendations, see A/HRC/21/16, paras. 124.150-124.151.
[88] See CRC/C/ZAF/CO/2, para. 32 (b).
[89] See UNHCR submission, p. 6.

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Summary of other stakeholders' submissions on South Africa*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 30 stakeholders' submissions[1] to the universal periodic review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for contributions by the national human rights institution that is accredited in full compliance with the Paris Principles.

II. Information provided by the national human rights institution of the State under review accredited in full compliance with the Paris Principles

2. Relating to recommendations on the ratification of relevant international instruments,[2] the South African Human Rights Commission (SAHRC) indicated that the Government had ratified ICESCR in 2015, and ILO Convention (No.189) on Decent Work for Domestic Workers in 2013.[3]

3. When ratifying ICESCR, the Government had made a declaration indicating that the right to education would be given progressive effect, within the framework of its National education policy and available resources which was in contradiction to the Constitution and Constitutional Court judgements.[4]

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4. The Government should respond to the request of the Special Rapporteur on racism and xenophobia to visit the country.[5]

5. Regarding recommendations from 2012 to capacitate the Department of Women, Children and Persons with Disabilities (DWCPD),[6] following the 2014 general elections the DWCPD had been disbanded. As a result, the women's portfolio shifted to a new ministry within the Presidency and both the children's and disability portfolios to the Department of Social Development.[7] The Government should develop an independent child's rights monitoring mechanism and allocate financial resources to establish a monitoring mechanism in accordance with the Convention on the Rights of Persons with Disabilities.[8]

6. Regarding recommendations relating to the rights of LGBTI persons,[9] the need for legislation addressing hate crimes was reiterated and the critical importance of the public's full participation in the development of such legislation emphasized.[10]

7. Despite accepted recommendations[11] on the treatment of migrants, refugees and asylum seekers, concern was expressed that negative attitudes towards these groups, violence and xenophobia remained a significant challenge.[12] Violent attacks had once again been witnessed in 2015 against foreign nationals in the country's *KwaZulu Natal* province. Despite guarantees of inter-ministerial coordination and rapid response mechanisms following the outbreak of violence in 2008, these were not sufficiently operationalised, and the response to the violence in 2015 was criticised as slow and inefficient. SAHRC's preliminary investigation into the 2015 violence indicated the need for educational initiatives and collective ownership for social cohesion.[13]

8. Noting the Government has released the draft National Action Plan to combat Racism, Racial Discrimination, Xenophobia and Related Intolerance as well as a Green Paper on International Migration, SAHRC stressed the importance of expediting legislative processes in this regard.[14]

9. Regarding the recommendation to prohibit corporal punishment,[15] common law continued to permit its practice in the home.[16] Despite legislation criminalising corporal punishment in schools, the practice remained prevalent in schools across the country.[17] The Government should: establish a national protocol for schools; and criminalise the act of corporal punishment in the home.[18]

10. Monitoring activities in the Lindela Repatriation Centre revealed systemic issues, including: allegations of abuse and corruption; the use of isolation; overcrowding; detention of unaccompanied children; continued detention of undocumented migrants beyond the prescribed periods;[19] and the lack of provision for tuberculosis testing and isolation of those infected and of voluntary counselling and testing for HIV/AIDS.[20] The Government needed to urgently address the challenges which persist at the repatriation centre.[21]

11. Regarding recommendations on access to justice,[22] SAHRC noted that numerous barriers impeded the full exercise of the right to equal access to justice. The Government should explore appropriate alternate access to justice services for communities where access to the courts were at a vast geographical distance and introduce public education initiatives on the rights of access to justice, particularly at the rural level.[23]

12. Noting the numerous recommendations issued on the right to education,[24] SAHRC indicated that access to education remained a significant challenge and was characterised by high drop-out rates, weak infrastructure, poor quality of education and the inefficient usage of resources, particularly in rural areas.[25] SAHRC's findings indicated that schools experienced: inadequate water and sanitation facilities; lack of learning materials; and high rates of absenteeism due to children having to travel long distances on foot. Additionally, children with disabilities faced numerous barriers. The Government should urgently put measures in place to address these concerns in line with recommendations issued in

SAHRC's reports.[26] Given the high prevalence of discrimination at universities, measures aimed at dismantling inherent inequalities between historically white and black universities should be implemented.[27]

13. The majority of the population depended on state healthcare, where the quality and availability of services varied widely, particularly in the rural areas.[28] The Department of Health's Strategic Plan 2014/15 – 2018/9 envisaged that the National Health Insurance Bill would only be enacted in 2018/19 and would be gradually phased-in. The Government should put interim measures in place to address the inequalities in access to healthcare.[29]

14. SAHRC reported that statistics on persons with disabilities had been inconsistent and contradictory. The Government should conduct an extensive, statistical analysis on the prevalence of disability in the country.[30]

15. SAHRC noted that several complaints alleging the human rights violations of indigenous communities were received, including violations of their rights to equality, language, education and land redistribution; and the lack of recognition of the indigenous communities and their respective leadership.[31]

III. Information provided by other stakeholders

A. Scope of international obligations[32] and cooperation with international human rights mechanisms and bodies[33]

16. South Africa was urged to become a party to additional human rights instruments[34] including: OP-CAT[35] and establish a system to monitor all places of detention;[36] ICRMW,[37] ICPPED;[38] OP-ICESCR;[39] OP-CRC-IC;[40] the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.[41]

17. Indigenous1893 recommended inviting the Special Rapporteur on indigenous peoples to visit the country.[42]

B. National human rights framework[43]

18. JS16 recommended that South Africa incorporate the results of the universal periodic review into its human rights action plans.[44] Edmund Rice International (ERI) recommended ensuring the effective implementation of UPR recommendations through the establishment of a permanent governmental mechanism to liaise with relevant ministries and consult with Civil Society.[45]

19. Oceania HumanRights recommended reporting during the third cycle on progress achieved on the Sustainable Development Goals.[46]

20. JS11 noted that the functions relating to children of the DWCPD had been moved to the Department of Social Development indicating that the Department had relatively weak political authority[47] and that political leadership for realising children's rights was poor. Civil Society Organisations were excluded from many of these forums.[48]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross cutting issues

Equality and non-discrimination[49]

21. JS2 highlighted the situation of coloured people, which comprises mixed-race individuals and are estimated at about nine percent of the population[50] whose treatment before and during apartheid created a legacy of racial discrimination that persisted.[51] After the end of apartheid, a policy of affirmative action in employment, business and land ownership aimed at correcting past injustices was proposed.[52] In practice, affirmative action law and policy was applied in a manner that disadvantaged coloureds.[53] Steps should be taken to eliminate such discriminatory treatment through reforming the use of "target" percentages in employment plans, investigating discrimination in subsidized housing applications, and ensuring equal access to state media.[54]

22. JS1 noted that in 2015, there was another spike in attacks against foreigners and at least 6 migrants were killed. Concern was raised regarding statements by high profile individuals which some felt amounted to incitement to hatred and violence.[55] Regarding such violence, African Policing Civilian Oversight Forum (APCOF) remained concerned by ongoing incidents of violence against non-nationals and at continued problematic police responses.[56]

23. JS1 referred to the "Operation Fiela" launched in 2015 purportedly aimed at combatting crime. Under this operation, police and members of the South African National Defence Force carried out raids and mass arrests of individuals. The areas raided were those perceived as high crime areas which were also areas with high numbers of foreigners.[57]

24. JS1 recommended sending a clear message that xenophobic attacks will not be tolerated, including by investigating cases of human rights violations and incitement to violence against foreigners and by bringing all perpetrators to justice.[58] Scalabrini Centre of Cape Town (SCCT) recommended combating xenophobia by addressing beliefs and attitudes within State institutions.[59]

25. JI1 stated that an amendment to the Births and Deaths Registration Act imposed additional requirements on birth registrations after 30 days, making these more difficult to access. Children who experienced higher levels of social exclusion would be disadvantaged by these stricter requirements, particularly children in rural areas, and orphaned and abandoned children.[60] Additionally, children born to undocumented migrant women were at serious risk of becoming stateless.[61] The Dullah Omar Institute (DOI) recommended amending the law to remove the penalties and proof of payment for late registration and the requirements that both foreign national parents produce proof of lawful residence.[62]

26. JS3 noted that violence against transgender and intersex persons was underpinned by societal stigma;[63] and that they faced obstacles and discrimination when attempting to alter their legal sex description. Human rights violations experienced by intersex children due to non-consensual treatments were highlighted.[64] JS3 recommended public condemnation of all forms of transphobic and intersexphobic violence; and the enactment of protective legislation, regulations and policies in the spheres of crime prevention, education and access to healthcare.[65]

Development, environment and business and human rights[66]

27. JS12 noted that the Mineral and Petroleum Resources Development Act, providing mechanisms which imposed on extractive companies minimum standards in relation to

employment, housing and community development, needed to be restructured and redirected.[67] An assessment showed a general lack of implementation of the social and labour plans of companies, lack of integration with local planning processes and very little impact at a local level.[68]

28. JS14 stated that basic information essential to ensure informed environmental decision-making and hold mines accountable was not publicly available and could only be accessed through a seriously-flawed access to information request procedure.[69] Additionally, public consultation processes rarely met the Constitutional Court's and international standards.[70]

29. JS14 highlighted concerns that mines continued to drain and pollute water resources;[71] and that mining rights holders had the right to exclude other land uses.[72] This often entailed restricting access to land that had been used for agriculture, housing and other purposes, depriving communities, particularly in rural areas, of the use of their land, and their livelihoods.[73]

30. JS14 urged: prohibiting mining in areas and ways that would violate human rights or cause substantial harm to the environment on which communities depend; holding mining companies accountable for unlawful activities through a comprehensive and transparent compliance and enforcement programme;[74] guaranteeing access to information and meaningful public participation in decision-making concerning mining approvals and regulation; effectively enforcing environmental laws relevant to mining.[75]

2. Civil and Political Rights

Right to life, liberty and security of the person[76]

31. The Legal Resources Centre (LRC) indicated that urgent and substantial redress was needed within the South African Police Service (SAPS) as a result of, among others, multiple incidents of the excessive use of force.[77]

32. LRC recalled the deaths of 44 persons in Marikana in 2012, the majority of who were protesting mineworkers, and noted the findings of the Marikana Commission of Inquiry[78] indicating that the full implementation of the recommendations of the Commission, particularly those in relation to the liability of individual SAPS shooters, had been delayed.[79] LRC urged ensuring that: automatic firearms and live ammunition were never used in the policing of assemblies;[80] implementing extensive training programmes within the SAPS on human rights standards on the use of force; and fully implementing the Marikana Commission's recommendations as a matter of urgency.[81] Noting that the Commission of Inquiry had highlighted the company's failure to comply with the housing obligations under the Social and Labour Plan, JS12 indicated that the failure of compliance with the plan and the lack of remedy after four years for those affected, was not being addressed.[82]

33. Regarding recommendations to criminalize torture,[83] APCOF welcomed the enactment of the Prevention of Combating and Torture of Persons Act of 2013.[84] It was concerned, however, at the low number of prosecutions against law enforcement officials, particularly given that allegations of torture had risen since South Africa's second UPR.[85] APCOF encouraged South Africa to continue strengthening the capacity of the Independent Police Investigative Directorate, the Judicial Inspectorate of Correctional Services, and the National Prosecuting Authority to ensure all allegations of torture were investigated in a timely and comprehensive manner and perpetrators prosecuted under the Act.[86]

34. DOI regretted that the Torture Act did not contain provisions that would allow victims of torture to seek redress other than through prohibitively expensive civil proceedings.[87] The Centre for the Study of Violence (CSVR) recommended that South

Africa: promulgate regulations to operationalise the Torture Act which would give guidance on procedures that prioritise torture victims' need for redress; and ensure the availability and accessibility of rehabilitation services to victims of torture and ill-treatment.[88]

35. JS8 stated that prisons and other detention facilities remained extremely overcrowded, particularly remand detention facilities and that inhumane conditions persisted.[89] Sexual violence remained a scourge in prisons.[90] DOI noted that although the legal framework no longer permitted solitary confinement, segregation had become a disguised form of solitary confinement.[91] JS5 observed that though the Department of Correctional Services had developed an HIV/AIDS policy and strategy, prisons did not provide antiretroviral treatment and other treatment and condoms routinely.[92]

36. JS8 recommended that South Africa: commit the requisite resources to ensure the full and proper implementation of its Policy to Address Sexual Abuse of Inmates, and address abuse in police holding cells and Lindela; take immediate measures to address the underlying drivers of overcrowding in prisons and detention centres; and implement its minimum standards and guidelines for safe and healthy prisons.[93]

37. JS8 indicated that the prison oversight mechanism, the Judicial Inspectorate for Correctional Services, suffered from an inadequate legal definition of its functions and powers and a lack of autonomy.[94] Additionally, it did not have the power to inspect other detention facilities, such as police holding cells and deportation centres.[95]

Administration of justice, including impunity, and the rule of law[96]

38. JS1 stated that the legal profession had been criticised as unrepresentative of the majority of the people in the country noting the low numbers of women and the sparsity of lawyers in townships and rural areas[97] and recommended continued steps to ensure the legal profession was more representative.[98]

39. JS4 indicated that despite the creation of Equality Courts, persons with disabilities continued to face a number of barriers.[99] JS4 recommended that: Equality Courts be monitored and provided with the resources required to function more effectively; and traditional leaders administering justice in the traditional courts and persons with disabilities receive training on disability rights and relevant legislation.[100]

40. JS9 noted that SAHRC had expressed disappointment that the recommendation on the traditional courts bill had not been supported[101] and referred to issues raised regarding the bill including the possible extension of power of traditional leaders and concerns by women's groups.[102] JS9 stated that if the bill purports to address "abuses" of traditional courts, notably related to discrimination against women, it should provide for a better understanding of the issues.[103]

41. CSVR recommended prompt implementation of the Truth and Reconciliation Commission's recommendations for reparation for apartheid era torture victims.[104]

42. JS1 indicated that South Africa's response to the court order for the arrest of the President of a third country whilst he was visiting the country in 2015, brought into question its commitment to the promotion and protection of the right of access to justice and to an effective remedy.[105]

Fundamental freedoms[106]

43. LRC noted reports of state surveillance of prominent investigative journalists, which seriously inhibited the media's ability to function freely and independently.[107] LRC recommended urgently investigating and prosecuting abuses of domestic and international law in intelligence agencies.[108]

44. JS13 noted instances of journalists being harassed by state actors including arrests for coverage of police action or malicious attacks whilst covering stories.[109]

45. JS13 reported that in 2016, the South African Broadcasting Corporation ("SABC") announced that it would no longer provide coverage of public protests and dismissed eight journalists for contravening the order against covering such protests.[110] LRC indicated that South Africa should guarantee the independence of the SABC.[111] JS16 recommended that South Africa ensure that: journalists and writers, especially at the SABC, can work freely and without fear of retribution;[112] and that civil society, journalists and human rights defenders be provided with a safe environment to carry out their work.[113]

46. JS16 and JS15 recalled that the recommendations received during the previous universal periodic review which addressed the Protection of State Information Bill (POSIB) were noted.[114] LRC stated that since the previous review, POSIB had been amended and improved but that key substantive concerns had still not been addressed.[115] LRC urged South Africa to establish a drafting committee, comprising members of civil society organisations, to revise POSIB in line with domestic and international law;[116] and refer the final text of POSIB to the Constitutional Court to consider the constitutionality thereof.[117]

47. JS13 raised concerns regarding the Protection of Constitutional Democracy Against Terrorist and Related Activities Act[118] and the National Key Points Act.[119] JS16 noted that despite its glaring legal deficits, including the criminalization of divulging information considered compromising to national security, the Key Points Act adopted during the apartheid era, had not been repealed or sufficiently amended.[120]

48. LRC noted a trend to regulate the internet, taking note in particular of the draft Online Regulation Policy and the Cybercrimes and Cybersecurity Bill.[121] JS13 recommended amending the Bill so that it achieves the protections sought taking into consideration the freedom of expression clauses in the Constitution and protection of the public interest.[122]

49. JS16 indicated that to register an NGO must submit all required documents to the National Directorate of Non Profit Organisations in Pretoria. Although an online submission process had been established, concerns remained about this procedure, which privileged NGOs in the capital and its surrounding cities that have direct access to the directorate.[123]

50. JS16 noted that during the previous UPR, South Africa did not receive any specific recommendations on the right to peaceful assembly[124] highlighting restrictions on protests through the application of the Gatherings Act by local authorities[125] and the use of excessive and even lethal force to disperse protests.[126]

Right to privacy

51. JS15 raised concerns about the low burden of proof required by legislation for covert surveillance[127] and recommended that South Africa: review Regulation of Interception of Communications and the Provision of Communication-Related Information Act to ensure that it is consistent with the Constitution;[128] refrain from engaging in mass surveillance; and increase the transparency of its surveillance policy.[129]

3. Economic, Social and Cultural Rights

Right to work and to just and favourable conditions of work[130]

52. Regarding accepted recommendations,[131] JS10 indicated that employment opportunities were extremely limited outside of urban centres, particularly in the former homelands (Bantustans). There was also limited meaningful engagement by the

Government with rural communities concerning community-led development initiatives. A lack of jobs in rural areas led to adult male and youth labour migration to urban centres, leaving families, headed by the elderly, mothers, or even children, to struggle on their own in rural homes.[132]

Right to an adequate standard of living[133]

53. CALS indicated that despite the efforts to address poverty and social inequality for the past 22 years of democracy, South Africa remained a poverty stricken country with high levels of inequality.[134] JS11 noted that nearly 56% of children in South Africa lived in poverty, and 32% of all children lived in households where there was no employed adult. 43% of female-headed households did not include a single employed person. The decrease in the proportion of children living in poverty over the past decade was attributed primarily to the availability of social grants, and not declining unemployment rates. Despite a decrease in absolute income poverty, income inequality had increased.[135] JS10 highlighted that the child support grants were often used to support not only the intended child, but also other family members without an income or other social grants.[136]

54. Regarding an accepted recommendation,[137] JS10 indicated that food and nutrition insecurity remained very common in both urban and rural settings.[138] The Government must increase its support of and the market opportunities for small-scale farmers. The current concentration of high-value food production in a small number of large transnational corporations maintained the poverty cycle of smallholders and the cheap supply of empty calories that was causing serious health problems.[139]

55. ERI referred to reports that half of the urban population lived in townships or informal housing, 19% of the population in South Africa still lived without access to improved drinking-water sources, and 34% had no access to improved sanitation facilities.[140] CALS proposed the State's compliance at all spheres of Government with its constitutional obligation in the provision of housing, water and sanitation.[141]

Right to health[142]

56. JS5 highlighted that with 6 million people living with HIV in 2015, South Africa remained at the epicentre of the HIV/AIDS epidemic. Despite efforts made, the scourge of the HIV epidemic was far from over, with more than 3 million persons living with HIV/AIDS having no access to antiretroviral drugs.[143] HIV had been identified as the leading cause of death among women of reproductive age.[144]

57. JS5 recommended: increasing sensitization efforts on HIV/AIDS prevention, especially among young women, and on changing social attitudes on stigmatisation of persons living with HIV/AIDS; ensuring that counselling and testing facilities were available in all public hospitals, clinics and primary healthcare facilities throughout the country, especially in rural areas; expanding the anti-retroviral treatment programme to ensure that all persons living with HIV have access to antiretroviral drugs.[145]

58. Regarding relevant recommendations,[146] DOI noted that despite efforts made, infant and maternal mortality rates remained alarmingly high. South Africa was one of the countries that failed to meet MDGs 4 and 5[147] and must redouble its efforts in addressing maternal deaths if it was to meet the target under SDGs 3 by 2030.[148] ADF International made related observations.[149] JS11 recommended that South Africa: take action and implement the recommendations made by the ministerial committees on child, neonatal and maternal morbidity and mortality; and make greater efforts to develop and support the functioning of community level maternal and child health workers.[150]

59. JS11 stated that child health continued to be compromised by poverty, food insecurity, inadequate housing, water and sanitation. A clear multi-sectoral implementation plan with interim targets and a monitoring and reporting system was required.[151]

60. JS5 noted statistics indicating that 18% of school children reported having gotten pregnant before 19 years of age and one in seven having contracted HIV/AIDS in school.[152] The Department of Education should implement a comprehensive sexual and reproductive health education framework as part of the school curriculum for teenagers.[153] JS5 stated that the Government should increase sensitization on the dangers of unsafe abortions, tackle the stigma associated with abortion and empower women and girls by informing them of their right to seek and receive reproductive healthcare services, including abortion, through public advocacy and education programmes.[154]

61. JS3 noted that intersex and transgender persons had to navigate a healthcare system that is discriminatory and unresponsive to their healthcare needs.[155]

62. Regarding an accepted recommendation,[156] SCCT indicated that while national health policy guaranteed access and treatment at public sector hospitals for foreign nationals, serious challenges remained in their implementation.[157] SCCT recommended ensuring that health care providers, particularly 'front line' staff were aware of refugee rights and vulnerabilities.[158]

Right to education[159]

63. ERI observed that South Africa spent an average of 20% of its national budget on education, spending more on education than any other African country. However, the majority of school children did not enjoy a quality education.[160] It also noted deficiencies with regard to electricity and water supply; and sanitation.[161] Students that learn in a language other than their home language had difficulties at school.[162] Schools that served predominantly white learners under apartheid remained functional while the vast majority of those which served black learners remained dysfunctional.[163] A significant number of pupils dropped out of school before they reached Matriculation level.[164]

64. ERI recommended that South Africa: conduct a nationwide audit of the educational system's budgeting and spending to ensure that funds are invested effectively and responsibly; establish a working group to identify reasons why school drop-out levels were so high; and enforce the infrastructure stipulations of the South African School Act.[165] JS11 indicated that South Africa should confer authority on the Special Investigation Unit to investigate maladministration, unlawful appropriation or expenditure of public funds, and the need for criminal or civil proceedings.[166] The Good Group recommended creating national human rights action plans for human rights education.[167]

65. CSVR noted that South Africa had grappled with violent tertiary education protests where students have staged sit-ins and demonstrations against increases in University fees.[168] CSVR recommended facilitating access to secondary and tertiary education for the most marginalised groups; and ensuring that tertiary education was affordable.[169]

4. Rights of specific persons or groups

Women[170]

66. Regarding recommendation 124.48,[171] DOI noted the Women's Empowerment and Gender Equality Bill had been withdrawn.[172] South Africa should pursue legislative measures to address gaps in the normative framework for women's rights and gender equality.[173]

67. JS5 indicated that violence suffered by women in South Africa was often brutal, particularly due to the multiple and intersecting forms of discrimination faced by women.[174] CSVR indicated that a lack of understanding of the extent of the problem of gender-based violence (GBV) and inaccurate statistics continued to inhibit effective responses.[175]

68. ERI stated that South Africa not only had extremely high rates of rape, but was also known for reports of 'corrective rape', especially against lesbian women. However, as these hate crimes were not yet recognized as unique crimes under the law, there were no reliable figures about the extent of this issue.[176] JS5 noted that many lesbians and bisexual women experienced physical, sexual and social violence and discrimination in multiple spaces.[177]

69. Regarding relevant recommendations,[178] JS6 indicated that the implementation of the Domestic Violence Act had been problematic since its inception.[179] ERI noted that police reportedly often refused to open cases of domestic abuse.[180] Similarly, relating to accepted recommendations,[181] JS6 indicated that despite efforts made, studies continued to note persistent problems with the police management of cases of sexual offences including refusal to accept rape complaints.[182]

70. ERI indicated that in 2013, the Government had acknowledged the need to re-establish sexual offences court but noted the low conviction rate in these courts.[183] DOI stated that steps to increase coverage of Thuthuzela Care Centres were bedevilled by the failure to commit state resources to their implementation.[184] JS6 noted that the overwhelming majority of state social services, including victim support services and shelters, were delivered by NGOs and that the relationship between the state and NGOs was characterised by an exploitative reliance on the commitment of NGOs, and their ability to raise dwindling donor funds.[185]

71. CSVR recommended that South Africa: cost and budget for GBV related legislation to address implementation challenges.[186] JS5 recommended that law enforcement agencies, the national prosecuting authority and judicial officers receive adequate training on how to diligently investigate and prosecute cases of gender-based violence.[187] ERI recommended that the government: improve the functioning of current sexual offence courts, and establish new courts throughout the country; establish a working group that ensures police are fulfilling their duties as stipulated in the Domestic Violence Act and the Sexual Offences Act; implement recommendation 124.62[188] accepted in the previous UPR Cycle "to put in place stronger mechanisms to protect women and girls against gender-based violence and provide redress".[189]

72. JS5 noted that sex work continued to be criminalised which made it difficult for sex workers to access essential services leading to a disproportionate increase in HIV infection rates among sex workers and in other forms of violence.[190] JS5 indicated that police should take measures to protect sex workers against violence.[191] JS6 recommended that South Africa accelerate the legal framework to decriminalise sex work.[192]

73. JS6 noted that the Children's Act of 2005 criminalises virginity testing only of girls under the age of 16 and recommended that the government pass legislation to expressly ban the practice for all women.[193]

Children[194]

74. JS6 indicated that the fragmented approach to regulating Ukuthwala failed to appropriately address the relationship between this practice and forced and child marriages, noting that the practice also affected adult women. The Government must set 18 as the minimum age of marriage without exception.[195] JS11 recommended that South Africa define "forced marriage", "child marriage", and "Ukuthwala", and criminalise all persons involved in forcing a person into marriage.[196]

75. According to JS11, despite a strong legal framework, violence against children continued to be widespread with extremely high reported rates of sexual violence and one third of children reporting physical violence.[197]

76. JS11 indicated that corporal punishment was still largely socially accepted and legally permitted in the home.[198] JS11 recommended implementing large-scale evidence-based programmes to support non-violent parenting and shift social norms that support violent discipline.[199]

Persons with disabilities[200]

77. JS4 indicated that the recommendation on disabilities[201] had not been successfully implemented observing that while the Government had done much in terms of creating the relevant legislative and policy framework there was concern about the implementation and monitoring of these policies as well as insufficient attention being paid to the ability of persons with disabilities to effectively enjoy those rights. It noted that non-conducive environments in psychiatric hospitals posed a serious concern for human rights.[202] Rural areas were hit the hardest by the slow implementation of policies.[203]

78. JS11 recommended that the government develop a single piece of legislation to specify, coordinate and govern services for children with disabilities and developmental delays.[204]

79. JS4 also noted that up to 600 000 children with disabilities were on waiting lists to be placed in a school or institution, many children with disabilities had to attend special schools far away from their homes and schools continued to lack adequate support staff.[205]

Migrants, refugees and asylum seekers[206]

80. CSVR noted the situation of undocumented migrants who continued to be exploited, sometimes undertaking work without remuneration. Access to healthcare is a challenge. CSVR recommended developing and adopting policies and programmes designed to promote the integration of migrants into society and the respect for their rights.[207]

81. SCCT noted concerns regarding an amendment to the Refugee Act, including: revised definitions of what constitutes a dependent; and of asylum seekers' right to work.[208]

82. SCCT indicated that the procedures for recognising the status of refugees remained problematic highlighting that under-resourcing and insufficient administrative capacity were leading to backlogs and poor status determination decisions. The integrity of the system had been undermined by the closure of Refugee Reception Offices in the major urban centres.[209] SCCT recommended that South Africa: provide adequate resource and training to refugee status determination officers; develop rigorous methods and systems to combat endemic corruption present in all components of the asylum system; open and maintain fully functional Offices in metropolitan areas.[210] ERI recommended reviewing administration procedures to address the backlog of permit applications.[211]

Stateless persons[212]

83. JS7 noted that at present South Africa does not have a dedicated mechanism to identify statelessness.[213] JS7 recommended acceding to relevant international instruments to ensure: establishing a statelessness determination procedure to identify and protect stateless persons; providing legal immigration status to stateless persons; facilitating naturalisation for the stateless;[214] developing legislation and regulations which ensure every child's right to a nationality and that no child is born stateless in South Africa.[215]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

ADF International	ADF International, 1209, Geneva, Switzerland;
APCOF	African Policing Civilian Oversight Forum, Mowbray, Cape Town, South Africa;
CALS	Centre for Applied Legal Studies, Johannesburg, South Africa
CSVR	Centre for the Study of Violence and Reconciliation, Johannesburg, South Africa;
DOI	Dullah Omar Institute for Constitutional Law, Governance and Human Rights;
ERI	Edmund Rice International, Geneva, Switzerland;
FFF	Four Freedoms Forum, Kaneohe, United States of America;
GG	The Good Group, Honolulu, United States of America;
IND1893	Indigenous1893, Kaneohe, United States of America;
LRC	Legal Resources Centre, Johannesburg, South Africa;
OHR	Oceania Human Rights Hawaii, Kailua, United States of America;
SCCT	Scalabrini Centre of Cape Town, Cape Town, South Africa.

Joint submissions:

JS1	**Joint submission 1 submitted by:** International Bar Association's Human Rights Institute, The Law Society of South Africa (LSSA) The Southern Africa Litigation Centre (SALC), London, United Kingdom of Great Britain and Northern Ireland;
JS2	**Joint submission 2 submitted by:** Advocates for Human Rights, Camissa Movement for Equality and Kiersten Dunbar Chace of Mondé World Films, Minneapolis, United States of America;
JS3	**Joint submission 3 submitted by:** Transgender & Intersex Coalition-South Africa- Legal Resources Centre (LRC)Gender DynamiX (GDX)Iranti-org Aids and Rights Alliance for Southern Africa (ARASA), Cape Town, South Africa;
JS4	**Joint submission 4 submitted by:** Disability UPR Reporting Coalition South Africa-HR Education and Training for Empowerment (CREATE) Deaf Federation of South Africa (DeafSA) Parents for Children with Special Education Needs (PACSEN) Pathways – Khwf South African Disability Alliance (SADA) South African Federation for Mental Health (SAFMH), Cape Town, South Africa;
JS5	**Joint submission 5 submitted by:** The Sexual Rights Initiative-People Opposing Women Abuse (POWA), Sex Worker Education and Advocacy Taskforce (SWEAT), Sonke Gender Justice, WISH Associates, Coalition of African Lesbians, Sexual Rights Initiative, Ottawa, Canada;
JS6	**Joint submission 6 submitted by:** Shukumisa Campaign-Legal Resources Centre (LRC)Women's Legal Centre (WLC)Lawyers for Human Rights (LHR)Gender, Health & Justice Research Unit (GHRU) - University of Cape Town Cape Town, South Africa;
JS7	**Joint submission 7 submitted by:** Institute on Statelessness and Inclusion- Lawyers for Human Rights, Eindhoven, Netherlands;

[58]	**Joint submission 8 submitted by:** Detention Justice Forum, Sonke Gender Justice, Just Detention International – South Africa, SECRO, Civil Society Prison Reform Initiative, Centre for Applied Legal Studies, Footballers4Life, Zonk'izizwe Odds Development, Beyond the Bars, Scalabrini, SECTION27 and Egon Oswald Attorneys at Law, Cape Town, South Africa;
[59]	**Joint submission 9 submitted by:** Coalition for Rural Democracy - South Africa-Legal Resources Centre (LRC) Land and Accountability Research Centre – University Alliance for Rural Democracy (ARD), Cape Town, South Africa;
[510]	**Joint submission 10 submitted by:** Right to Food Coalition, Legal Resources Centre (LRC), Department of Environmental and Geographical Science, University of Cape Town, Cape Town, South Africa;
[511]	**Joint submission 11 submitted by:** Alternate Report Coalition-Children's Rights South Africa- Centre for Child Law, University of Pretoria Dullah Omar Institute - University of the Western Cape Legal Resources Centre Carol Bower, independent expert, Cape Town, South Africa;
[512]	**Joint submission 12 submitted by:** Don't Forget Marikana Coalition - South Africa, Legal Resources Centre (LRC) Bench Marks Foundation (BMF), Cape Town, South Africa;
[513]	**Joint submission 13 submitted by:** PEN South Africa and PEN Afrikaans, London WC1V 6ER, London, United Kingdom of Great Britain and Northern Ireland;
[514]	**Joint submission 14 submitted by:** Coalition of NGOs for UPR-South Africa Concerned About Human Rights Threats From Mining and Coal-Fired Power Generation- Centre for Environmental Rights Centre for Applied Legal Studies Earth justice ground Work South Durban Community Environmental Alliance Highveld Environmental Justice Network Vaal Environmental Justice Alliance, Cape Town, South Africa;
[515]	**Joint submission 15 submitted by:** Privacy International, Right2Know Campaign;
[516]	**Joint submission 16 submitted by:** CIVICUS: World Alliance for Citizen Participation, HURISA, Johannesburg, South Africa.

National human rights institution:

SAHRC	South African Human Rights Commission, Johannesburg, South Africa.

[1] For relevant recommendations see A/HRC/21/16, paras.124.1 (Iraq), 124.2 (United Kingdom), 124.3 (Hungary), 124.4(Brazil), 124.5 (Chad), 124.6 (Palestine), 124.7 (Slovenia), 124.8(Portugal), 124.9(France), 124.10 (Spain), 124.11 (Argentina), 124.12 (Nicaragua), 124.13 (Burkina Faso), 124.14 (Chad), 124.15 (Togo, Nicaragua, Hungary), 124.16 (Denmark), 124.17(Slovakia), 124.18 (Slovakia), 124.54 (Slovenia), 124.55(Czech Republic) and 124.57 (Costa Rica).

[2] SAHRC, para. 2.2.

[3] SAHRC, para.5.3. See also J511, para. 9.

[4] SAHRC, para.3.6.

[5] For relevant recommendations see A/HRC/21/16, paras. 124.26 (Chile) and 124.27 (Timor-Leste).

[6] SAHRC, para. 9.1.

[7] SAHRC, para. 9.2.

[8] For relevant recommendations see A/HRC/21/16, paras. 124.50 (Belgium), 124.51 (France), 124.78 (Argentina), 124.79 (New Zealand), 124.80 (Denmark), 124.81 (Netherlands), 124.82 (United

Kingdom of Great Britain and Northern Ireland), 124.83 (Canada), 124.84 (Austria), 124.85 (Finland), 124.86 (United States of America) and 124.87 (Belgium).

[10] SAHRC, para.4.3.

[11] For relevant recommendations see A/HRC/21/16, paras.124.38 (Islamic Republic of Iran), 124.39 (Paraguay), 124.41 (Thailand), 124.42 (Iraq), 124.43 (Ireland), 124.44 (Republic of Korea), 124.45 (Mozambique), 124.46 (Indonesia), 124.77 (Uruguay).

[12] SAHRC, para.3.1.

[13] SAHRC, para.3.3.

[14] SAHRC, para.3.5.

[15] For relevant recommendation see A/HRC/21/16, para. 124.88 (Mexico).

[16] SAHRC, para. 6.1.

[17] SAHRC, para.6.2.

[18] SAHRC, para.6.3.

[19] SAHRC, para.3.4.

[20] SAHRC, para.7.4.

[21] SAHRC, para.3.4.

[22] For relevant recommendations see A/HRC/21/16, paras.124.49 (Austria) and 124.93 (Switzerland).

[23] SAHRC, paras. 8.1-8.2.

[24] For relevant recommendations see A/HRC/21/16, paras. 124. 23 (Burkina Faso), 124.109 (Bolivarian Republic of Venezuela), 124.118 (Malaysia), 124.120 (Zimbabwe), 124.139 (Republic of Korea), 124.140 (Senegal), 124.141 (Cuba), 124.142 (Islamic Republic of Iran), 124.43 (Egypt), 124.144 (Singapore), and 124.145 (Timor-Leste).

[25] SAHRC, para.5.1.

[26] SAHRC, para.5.2.

[27] SAHRC, para.5.4.

[28] SAHRC, para.7.1.

[29] SAHRC, para.7.2.

[30] SAHRC, para.10.2.

[31] SAHRC, para.11.1.

[32] The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
OP-CRC-IC	Optional Protocol to CRC on a communications procedure;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to CRPD;
ICPPED	International Convention for the Protection of All Persons

from Enforced Disappearance.

[33] For relevant recommendations see A/HRC/21/16, paras. 124.1-124.18, 124.54, 124.55, 124.57.
[34] FFF, p.3.
[35] APCOF, p.3, CSVR, p.3, JS1, p. 3, JS8, p.4.
[36] APCOF, p.3, See also CSVR, p.3.
[37] JS1, p.3, CSVR, p.5.
[38] JS1, p.3.
[39] CALS, p. 11, CSVR, p.5, JS1, p. 3, DOI, para.6.
[40] JS1, p. 3.
[41] JS7, para. 48, SCCT, p.5.
[42] IND1893, p.3.
[43] For relevant recommendations see A/HRC/21/16, paras. 124.26-124.28.
[44] JS16, para. 6.6.
[45] ERI, p. 8.
[46] OHR, p.3.
[47] JS11, para. 1.
[48] JS11, para.2. See also JS4, p.8.
[49] For relevant recommendations see A/HRC/21/16, paras. 124.22, 124.29-124.46, 124.50-124.51, 124.75-124.87, 124.150- 124.151.
[50] JS2, para. 6.
[51] JS2, paras.7-8.
[52] JS2, para. 10.
[53] JS2, paras.18-19.
[54] JS2, para. 4.
[55] JS1, para.5.2. See also SCCT, pp. 3-4.
[56] APCOF, p.3.
[57] JS1, para.5.3. See also SCCT, p.4.
[58] JS1, p. 8. See also SCCT, p.4 and CSVR, p.5.
[59] SCCT, p.4.
[60] JS11, para.5. See also DOI, paras. 8.2-8.5 and JS7, paras. 13-16.
[61] JS11, para.7. See also JS7, paras.12 and 19.
[62] DOI, para. 8.6. See also JS11, p. 4.
[63] JS3, para.5.
[64] JS3, para.17.
[65] JS3, para11.
[66] For relevant recommendations see A/HRC/21/16, paras. 124.111 and 124.119.
[67] JS12, p.3.
[68] JS12, p.3.
[69] JS14, para.6.
[70] JS14, para.40.
[71] JS14, para.10.
[72] JS14, para.17.
[73] JS14, para.17.
[74] JS14, para.59.
[75] JS14, para.8.
[76] For relevant recommendations see A/HRC/21/16, paras. 124.20, 124.52-124.58.
[77] LRC, para.18.
[78] LRC, paras. 19-21.See also JS12 p.6.
[79] LRC, para. 22.
[80] LRC, paras. 28.1.
[81] LRC, paras. 28.2.
[82] JS12 pp.6-7.
[83] For relevant recommendations see A/HRC/21/16, paras.124.20 (Cape Verde), 124.54 (Slovenia), 124.55 (Czech Republic), 124.56 (France), 124.57 (Costa Rica).
[84] APCOF, p.2.
[85] APCOF, pp.2-3.See also DOI, paras.2.4-2.8.

[86] APCOF, p.3.
[87] DOI, para. 2.1.
[88] CSVR, p.4.
[89] JS8, paras.1-2.
[90] JS8, para.5.
[91] DOI, para.3.
[92] JS5, p. 13.
[93] JS8, p.5.
[94] JS8, para.10. See also DOI, para. 2.9.
[95] JS8, para.11. See also DOI, para. 2.11.
[96] For relevant recommendations see A/HRC/21/16, paras. 124.21, 124.23, 124.25. 124.93-124.95, 124.110.
[97] JS1, para.3.3.
[98] JS1, p.4.
[99] JS4, p. 5.
[100] JS4, p. 5.
[101] For relevant recommendations see A/HRC/21/16, para. 124.95 (Norway).
[102] JS9, pp. 3 and 5-6.
[103] JS9, p. 11.
[104] CSVR, p.4.
[105] JS1, para .4.1.
[106] For relevant recommendations see A/HRC/21/16, paras. 124.97-124.107.
[107] LRC, para.12. See also JS15, para. 39.
[108] LRC, para.13.1.
[109] JS13, para. 31.
[110] JS13, paras. 23-25.
[111] LRC, para.16.1.
[112] JS16, para. 6.3.
[113] JS16, para. 6.2.
[114] JS16, para. 4.1. JS15, para. 50.
[115] LRC, para.5. See also JS13, para.15 and JS5 para 49.
[116] LRC, para.7.1.
[117] LRC, para.7.2. See also JS13, para.16 and p.8 and JS16, para. 6.3.
[118] JS13, para. 21. See also JS16, para. 4.4.
[119] JS13, para. 20.
[120] JS16, para. 4.4. See also JS13, p.9.
[121] LRC, para.8. See also JS15, para. 47.
[122] JS13, p. 9.
[123] JS16, para. 2.3.
[124] JS16, para. 5.1.
[125] JS16, paras. 5.2-5.4 and 6.4.
[126] JS16, para. 5.5.
[127] JS15, paras. 19-20.
[128] JS15, para. 52.
[129] JS15, para. 52.
[130] For relevant recommendations see A/HRC/21/16, paras. 124.21, 124.108-124.109.
[131] For relevant recommendations see A/HRC/21/16, paras. 124.109 (Bolivarian Republic of Venezuela); 124.119 (Côte d'Ivoire)
[132] JS10, p.1.
[133] For relevant recommendations see A/HRC/21/16, paras. 124.21, 124.109-124.111, 124.113-124.119, 124.121.
[134] CALS, para. 3.5.5.
[135] JS11, para. 4.
[136] JS10, p.1.
[137] For relevant recommendations see A/HRC/21/16, paras. 124.21 (Russian Federation).
[138] JS10, p.1.

[139] JS10, p.3.
[140] ERI, paras. 39-40.
[141] CALS, p. 11. See also ERI, para. 33.
[142] For relevant recommendations see A/HRC/21/16, paras. 124.21, 124.109, 124.118, 124.120, 124.122-124.141, 124.148.
[143] JS5, p. 11.
[144] JS5, p. 12.
[145] JS5, p. 16.
[146] For relevant recommendations see A/HRC/21/16, paras. 124.124 (Algeria), 124.126 (Germany), 124.127 (China), 124.132 (Iran (Islamic Republic of)), 124.137 (Sri Lanka), 124.141 (Cuba).
[147] DOI, para. 7.1.
[148] DOI, para. 7.2.
[149] ADF, para. 8.
[150] JS11, pp. 6-7.
[151] JS11, p. 6.
[152] JS5, p. 4.
[153] JS5, p. 14.
[154] JS5, p. 16.
[155] JS3, para. 37.
[156] For relevant recommendations see A/HRC/21/16, paras. 124.148 (Germany).
[157] SCCT p. 5.
[158] SCCT p. 6.
[159] For relevant recommendations see A/HRC/21/16, paras. 124.21, 124.23, 124.120, 124.140-124.145.
[160] ERI, para.22.
[161] ERI, para.23.
[162] ERI, para.24.
[163] ERI, para.19.
[164] ERI, para.21.
[165] ERI, para.32. See also JS11, para. 15.
[166] JS11, p.8.
[167] GG, p.2.
[168] CSVR, p.4.
[169] CSVR, p.5.
[170] For relevant recommendations see A/HRC/21/16, paras.124.20, 124.24, 124.47-124.49, 124.53, 124.59-124.74.
[171] For relevant recommendations see A/HRC/21/16, para.124.48 (Australia).
[172] DOI, para.4.3.
[173] DOI, para.4.4.
[174] JS5, p. 7.
[175] CSVR, p.2.
[176] ERI, para.10.
[177] JS5, p. 9.
[178] For relevant recommendations see A/HRC/21/16, paras.124.65 (Nicaragua), 124.67 (Sweden), 124.68 (Norway), 124.74 (Spain).
[179] JS6, pp.7-8.
[180] ERI, para.9.
[181] For relevant recommendations see A/HRC/21/16, paras. 124.64(Norway), 124.68(Norway), 124.70 (Portugal), 124.71 (Slovakia).
[182] JS6, pp. 3-4.
[183] ERI, para.8.
[184] DOI, para.5.3.
[185] JS6, pp.12-13.
[186] CSVR, p.2. See also DOI, para.5.4.
[187] JS5, p. 14.
[188] For relevant recommendation see A/HRC/21/16, para.124.62 (Austria).
[189] ERI, para.18.

[190] JS5, p. 9. See also JS6, para. 5.1.
[191] JS5, p. 15.
[192] JS6, p. 7.See also JS5. p.15.
[193] JS6, p. 12.
[194] For relevant recommendations see A/HRC/21/16, paras. 124.20, 124.24, 124.53, 124.61, 124.88, 124.111, 124.126.
[195] JS6, p.11. See also CSVR, p.2.
[196] JS11, p. 12. See also CSVR, p.2.
[197] JS11, para. 18.
[198] JS11, para. 21.
[199] JS11, p.11.
[200] For relevant recommendations see A/HRC/21/16, paras. 124.111-124.112.
[201] For relevant recommendations see A/HRC/21/16, paras. 124.112(Djibouti).
[202] JS4, pp. 4-5.
[203] JS4, p. 8.
[204] JS11, pp.12-13.
[205] JS4, p. 6.
[206] For relevant recommendations see A/HRC/21/16, paras. 124.38-124.46, 124.58, 124.146- 124.151.
[207] CSVR, p.5.
[208] SCCT, pp. 2-3.
[209] SCCT, p.1. See also ERI, para. 35.
[210] SCCT, p.2.
[211] ERI, para.38.
[212] For relevant recommendations see A/HRC/21/16, paras. 124.150-124.151.
[213] JS7, para. 39. See also SCCT, p.4.
[214] JS7, para. 48. See also SCCT, p.5.
[215] JS7, para. 48.